

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.06.2021

CORAM :

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10189 of 2021

Joseph Devakumar

... Petitioner/Accused

Vs

State Rep.by the Sub-Inspector of Police,
Thirunindravur Police Station,
Thiruvallur District.
(Crime No.189 of 2021)

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.189 of 2021 pending on the file of the respondent.

For Petitioner :Mr.R.Sasikumar

For Respondent :Mr.E.Raj Thilak
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 19.05.2021 for the offence punishable under Section 294(b), 341, 397 and 506(ii) of IPC in Crime No.189 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is alleged to have committed a theft of Rs.350/- from the defacto complainant and also threatened with dire consequences. Hence, this complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is not involved in the above alleged offence and he is no way connected with the offence as alleged by the prosecution and he did not commit any offence. Hence, he seeks bail for the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that there are seventeen previous cases pending against the petitioner and investigation is pending. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions :

[a] Accordingly, the petitioner is ordered to be released on condition that he shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the concerned prison;

[b] thereafter, the petitioner shall execute two blood related sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the concerned Magistrate within a period of fifteen days from the lifting of lock down and commencement of regular functioning of the Court below, failing which the bail granted by this Court shall stand dismissed.

[c] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[d] the petitioner shall stay at Coimbatore and report before the Pelamedu Police Station daily at 10.30 a.m and 5.30 p.m. for a period of four weeks and thereafter, the petitioner shall report before the respondent police daily at 10.30 a.m. and 5.30 p.m. for a period of four weeks, until further orders.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
11/06/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.II,
THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI.

4 THE SUB-INSPECTOR OF POLICE,
THIRUNINDRAVUR POLICE STATION,
THIRUVALLUR DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE OFFICER INCHARGE,
PELAMEDU POLICE STATION,
COIMBATORE.

CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges

CRL OP.10189/2021

Date :11/06/2021

MK:14/06/2021